

## **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 2-13, 15-18, 20-36 and 38-48 are currently pending in the instant application. Claims 2, 5, 18, 21 and 48 have been amended. Claims 2, 5, 18, 21, 38 and 48 are independent. Reconsideration of the present application is earnestly solicited.

### **Allowable Subject Matter**

Applicants appreciate the Examiner's indication of allowable subject matter. Specifically, claims 38-47 have been allowed. Claims 5-8, 15-18 and 22-36 have been indicated as being allowable if rewritten in independent format. Applicants have amended claims 5, 18 and 21 into independent format. Accordingly, as indicated by the Examiner, claims 5-8, 15, 18 and 21-36 should also be allowed.

### **Drawings**

The Examiner has indicated that the drawings have been declared informal by Applicants. However, Applicants respectfully submit that the drawings were clearly submitted as formal drawings on March 26, 2001. Accordingly, Applicants would appreciate the review of the formal drawings by the Official Draftsperson so that Applicants may have the benefit of a PTO-948.

In the absence of instructions from the Examiner to the contrary, Applicants will prepare and file formal drawings under separate cover to comply with the Examiner's objection. However, Applicants respectfully submit that the required changes to the drawings have not been identified by either the Examiner or the Official Draftsperson; therefore this objection should be held in abeyance by the Examiner until the alleged informalities with the drawings have actually been identified by the USPTO.

#### **Claim Rejections Under 35 U.S.C. § 112**

Claims 18 and 21 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. However, Applicants respectfully submit that the foregoing amendments have been made to merely clarify the claimed invention.

Applicants submit that the requested changes do not appear to either raise a substantial question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 2-4, 9-13, 20, 21 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Herbert et al. (U.S. Patent No. 5,008,133). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. Specifically, claim 21 has been amended into allowable, independent format. The following additional comments are provided for the Examiner's consideration with respect to claim 2-4, 9-13, 20 and 48.

Specifically, Applicants submit that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention of claims 1 and 48. Accordingly, these rejections should be withdrawn. Further, Applicants submit that one of ordinary skill in the art would not have been motivated to modify the Herbert et al. process as suggested by the Examiner.

For example, the Herbert et al. reference is directed to a method of applying/forming a coating on a web. The coating mixture, e.g., a wet slurry, is applied to the web as suggested by the Examiner in paragraph 5 of the Office Action. However, the Examiner will appreciate that the Herbert et al. process is clearly directed toward a process of applying a wet slurry to a web, e.g., a wet coating pan (element 20 in FIG. 1) is provided for continuously applying the wet coating to the web with a roller<sup>18</sup>.

In contrast, the claimed invention is directed toward the activation of an encapsulated adhesive contained on a sheet media, e.g. a dry sheet where the encapsulated adhesive is already applied to the dry sheet. As described in the original written description, including but not limited to paragraphs 0028-0033 of the specification, the encapsulated adhesive and the dry sheet media it is formed on, are inherently dry prior to being ruptured with the claimed invention. "While the capsules are intact, the coating is dry to the touch. The coating is tackified upon rupture and release of the solvent." (see paragraph 0028). The sheet media only becomes wet or tacky upon activation with the blade, e.g., "[t]he pressure applied is sufficient to break the capsules without damaging the sheet media. No wastes or adhesives build up at the activator blade 28 so that it does not need to act as a doctor blade. Continual long-term running of the system 10 is therefore possible. Not only will the blade 28 shear off the tops of unruptured adhesive capsules, but it will also spread or smear the adhesives on the sheet media 12." (see paragraph 0033)

Accordingly, the prior art of record fails to teach or suggest the combination of elements of the claimed invention of claim 1, including the limitation(s) of: "A system for rupturing an encapsulated adhesive contained in a *dry* sheet media" comprising "an activation device for releasing the encapsulated adhesive as the *dry* sheet media is moved past the device by the feeder, wherein the activation device is an activator blade." (emphasis added)

With respect to claim 48, the prior art of record fails to teach or suggest the combination of elements of the claimed invention, including the limitation(s) of: "a system for rupturing an encapsulated adhesive contained in *a dry sheet media*" comprising "an activation device for releasing the encapsulated adhesive as *the dry sheet media* is moved past the device by the feeder, wherein *the encapsulated adhesive is an in situ microencapsulated adhesive.*" (emphasis added) Accordingly, these rejections should be withdrawn.

As to the dependent claims, Applicants respectfully submit that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

Applicants appreciate the Examiner's thorough consideration provided the present application. In the event that the Examiner disagrees with the aforementioned remarks with respect to the prior art of record or feels that any other issues remain in the present application, the Examiner is invited to contact the undersigned in the Washington, DC area to conduct a personal or telephonic interview.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicants respectfully submit that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

Accordingly, reconsideration and withdrawal of the claim rejection are respectfully requested. Moreover, Applicants respectfully submit that the instant application is in a condition for allowance.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

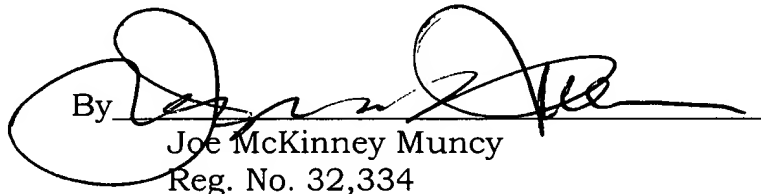
In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

A handwritten signature in black ink, appearing to read "Joe McKinney Muncy", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

Joe McKinney Muncy

Reg. No. 32,334

*mta*  
KM/MTS

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment: Version with Markings to Show Changes Made

**MARKED-UP VERSION OF AMENDMENTS**

**IN THE CLAIMS:**

**The claims have been amended as follows:**

2. (Twice Amended) A system for rupturing an encapsulated adhesive contained in a dry sheet media, comprising:

a feeder for the sheet media; and

an activation device for releasing the encapsulated adhesive as the dry sheet media is moved past the device by the feeder, wherein the activation device is an activator blade past which the feeder moves the sheet media along a travel path, the activator blade being fixed in position relative to the path of the sheet media.

5. (Amended) A system for rupturing an encapsulated adhesive contained in sheet media, comprising: [The system as recited in claim 2, further comprising:]

a feeder for the sheet media;

an activation device for releasing the encapsulated adhesive as the sheet media is moved past the device by the feeder, wherein the activation device is an activator blade past which the feeder moves the sheet media along a travel path, the activator blade being fixed in position relative to the path of the sheet media;



a cutter for cutting the sheet media; and

a label applicator, the label applicator being downstream from the cutter.

18. (Twice Amended) A system for rupturing an encapsulated adhesive contained in sheet media, comprising: [The system as recited in claim 2,]

a feeder for the sheet media; and

an activation device for releasing the encapsulated adhesive as the sheet media is moved past the device by the feeder, wherein the activation device is an activator blade past which the feeder moves the sheet media along a travel path, the activator blade being fixed in position relative to the path of the sheet media, wherein the activation device [is] includes at least one crushing roller for rupturing and thereby releasing the encapsulated media.

21. (Twice Amended) A system for rupturing an encapsulated adhesive contained in sheet media, comprising: [The system as recited in claim 2,]

a feeder for the sheet media;

an activation device for releasing the encapsulated adhesive as the sheet media is moved past the device by the feeder, wherein the activation device is an activator blade past which the feeder moves the sheet media along a travel path, the activator blade being fixed in position relative to the path of the sheet media; wherein the feeder moves the sheet media along a travel path, and the

activation device further includes at least one crushing roller being located on one side of the travel path and the activator blade being located on an opposed side of the travel path.

48. (Amended) A system for rupturing an encapsulated adhesive contained in a dry sheet media, comprising:

a feeder for the sheet media;

an activation device for releasing the encapsulated adhesive as the dry sheet media is moved past the device by the feeder, wherein the encapsulated adhesive is an in situ microencapsulated adhesive